In response to the Office Action dated May 15, 2003 in the above-identified patent application, please amend the application as follows:

**In the Claims**[1]

1-39. (Previously cancelled)

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40. (Currently amended) A microelectronic device structure comprising ~~including~~ a pure metal top electrode layer contacting ~~positioned on~~ a top surface of a ferroelectric oxide film material, wherein said top surface and vicinity thereof of the ferroelectric oxide film material is substantially stoichiometrically complete in oxygen concentration.

41. (Previously amended) A microelectronic device structure according to claim 40, wherein said ferroelectric film comprises an oxide perovskite or layered structure perovskite.

42. (Previously amended) A microelectronic device structure according to claim 40, wherein said ferroelectric film comprises a material selected from the group consisting of lead zirconium titanate, barium and/or strontium titanates, and strontium bismuth tantalates.

43. (Previously amended) A microelectronic device structure according to claim 40, wherein said ferroelectric film comprises a lead zirconium titanate material.

44. (Previously amended) A microelectronic device structure according to claim 40, wherein said ferroelectric film comprises a barium and/or strontium titanate material.

45. (Previously amended) A microelectronic device structure according to claim 40, wherein said ferroelectric film comprises a strontium bismuth tantalate material.

[1] Consistent with the holding of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., et al., 535 U.S. U.S. 722, 152 L.Ed.2d 944 (2002), decided May 28, 2002, any amendments herein that hereafter are deemed to be narrowing amendments by a court of competent jurisdiction in a final unappealed or unappealable decision, are not intended to relinquish any scope of equivalents unforeseeable at the time of this amendment or that relate to aspects of the invention having only a peripheral relation to the basis for the amendment.

46. (Currently amended) A microelectronic device structure according to claim 40, wherein said ~~unannealed~~ top electrode layer comprises a material selected from Pt, ~~Pt oxides~~, Ir, ~~Ir oxides~~, Pd, ~~Pd oxides~~, Rh, ~~Rh oxides~~, and compatible mixtures and alloys of the foregoing.

47. (Currently amended) A microelectronic device structure according to claim 40, wherein said ~~unannealed~~ top electrode layer comprises a Pt material.

48. (Currently cancelled)

49. (Previously amended) A microelectronic device structure according to claim 40, wherein said unannealed top electrode layer is formed of Ir.

50. (Currently cancelled)

51. (Previously amended) A microelectronic device structure according to claim 40, wherein the unannealed top electrode layer is formed of Ir or $IrO_2$.

52. (Currently amended) A microelectronic device structure according to claim 40, wherein the ~~unannealed~~ top electrode is formed in an oxygen-enriched environment under conditions wherein oxygen is not incorporated in the electrode material.

53. (Currently amended) A microelectronic device structure according to claim 40, wherein said ~~unannealed~~ top electrode is formed of a metallic non-oxide material by sputtering in the presence of oxygen.

54. (Currently amended) A microelectronic device structure according to claim 40, wherein said ~~unannealed top~~ electrode is formed of a noble metal that is formed by evaporation of a noble metal source material in the presence of oxygen.

55. (Currently cancelled)

56-60. (Previously cancelled)

61. (Currently amended) A microelectronic device structure according to claim 40, wherein said ~~unannealed~~ top electrode layer comprises Rh.

62. (Currently cancelled)

63. (Currently amended) A ferroelectric or high ε capacitor comprising:

a bottom electrode layer formed of a conductive material;

a thin film of a ferroelectric oxide material positioned over the bottom electrode, wherein the thin film of ferroelectric oxide material has a top surface that is substantially stoichiometrically complete in oxygen concentration, wherein said ferroelectric oxide material comprises a material selected from the group consisting of lead zirconium titanate, barium and/or strontium titanates, and strontium bismuth tantalates; and

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~~an annealed~~ a top electrode layer contacting ~~positioned on~~ the top surface of the thin film of ferroelectric oxide material, which is formed of a material selected from the group consisting of Pt, Pt oxides, Ir, Ir oxides, Pd, Pd oxides, Rh, Rh oxides, and compatible mixtures and alloys thereof, wherein the oxygen concentration of the ferroelectric oxide film is maintained through the formation of the top electrode without the need for post-deposition annealing in oxygen.

Please cancel claims 48, 50, 55 and 62.